

REMARKS

Claims 1-25 are pending in the application. Claims 9 and 19-25 have been withdrawn from consideration.

Claim Rejections - 35 U.S.C. § 112

(a) Claims 1-8 and 10-18 have been rejected under 35 U.S.C. § 112, first paragraph, because the “a first opening provided between the pair of first frame portions and the pair of second frame portions” limitation is considered new matter.

The Examiner alleges that the recitation foregoing limitation is considered new matter by referring to page 5, lines 23-24 of the specification, which states that “the first opening is provided between the pair of first portions,” and page 6, lines 9-10, which states that “a second opening provided between the pair of second frame portions.”

The Examiner appears to have interpreted the claimed “first opening” to correspond to element 41a in Fig. 9a of the present application. Applicants submit, however, that this element is described as “the first opening portion 41a” in page 46, lines 19-20 of the specification, and this element is not the “first opening.” Applicants note that, in the Reply filed on July 15, 2009, amendments were made to page 46, paragraph beginning at line 9 of the specification to read:

The substrate accommodating tray 40 includes a quadrangular frame 42 and a support element including four support parts 41 which have a shape of a plate and are arranged at four corners of an area surrounded by the frame 42. A first opening 40a (first gap) and second openings 40b (second gaps) are formed between the support parts 41. One glass substrate is to be horizontally placed on the four support parts 41 for transportation. (*emphasis added*)

to clarify that reference numeral 40a is the first opening, and reference numeral 40b is the second opening.

The claimed “a first opening provided between the pair of first frame portions and the pair of second frame portions” limitation is merely directed to the first opening 40a shown in Fig. 9A and not the first opening portion 41a.

In view of this, Applicants believe that the “a first opening provided between the pair of first frame portions and the pair of second frame portions” limitation is not new matter.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claims 1-8 and 10-18 have been rejected under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As stated in the foregoing, the claimed “first opening” is directed to the first opening 40a and not to the first opening portion 41a as interpreted by the Examiner.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 3, 6, and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Murphy (USP 5,103,976). This rejection is respectfully traversed.

Claim 1 has been amended to claim:

at least one support member provided along the first opening joining the pair of first frame portions with each other and/or joining the pair of second frame portions with each other for supporting the support element.

to clarify that the “supporting member” is not joining the pair of first frame portions with the pair of second frame portions.

Claim 1 of the present application corresponds to the embodiments of the present application as follows:

A substrate accommodating tray (40) for accommodating a substrate, the substrate accommodating tray comprising:

a frame (42) including a pair of first frame portions (not explicitly labeled but referring to the frame portions on the top third of the left hand side of the frame 42 and the frame portion on the top third of the right hand side of the frame 42) facing each other (see page 9, lines 10-16 of the specification) and a pair of second frame portions (not explicitly labeled but referring to the frame portion on the bottom third of the left hand side of the frame 42 and the frame portion on the bottom third of the right hand side of the frame 42) facing each other (see page 9, lines 10-16 of the specification);

a plate-like support element (support plate 41) provided in an area surrounded by the frame for supporting the substrate, the support element having a first opening (40a) provided between the pair of first frame portions and the pair of second frame portions, wherein the first opening penetrates through the entire support element from a first side (the top side when considering a view of the tray similar to that of Fig. 1 or 11) of the support element to a second side (the bottom side when considering a view of the tray similar to that of Fig. 1 or 11) of the support element opposite the first side, the first side of the support element for placing the substrate (12) on; and

at least one support member (either/both 13 of Fig. 9a) provided along the first opening joining the pair of first frame portions with each other and/or joining the pair of second frame portions with each other for supporting the support element.

Applicants respectfully submit that the claimed invention distinguishes over the Murphy reference at least with regard to the following aspects.

(1) The cross beam/intermediate centre beam 32 of Murphy is not "a plate-like support element" as recited in claim 1. A beam is not "plate-like."

(2) The beam 32 has a slot 94. However, this slot does not correspond to the claimed "opening," but rather to a recess.

In addition, the slot 94 is not "provided between the pair of first frame portions and the pair of second frame portion," but rather between the storage pocket areas 36 and 37 of Murphy (which the Examiner is equating with the claimed "pair of first frame portions").

Moreover, the slot 94 does not penetrate "through the entire support element from a first side of the element to a second side of the support element opposite the first side, the first side of the support element for placing the substrate on."

The slot 94 appears to penetrate the beam 32 in a horizontal direction, i.e., it appears that it can be said that it penetrates the beam from a first side of the beam 32 to a second side of this beam. However, Applicants submit that it cannot be said that there is a disclosure in Murphy of either of these sides of the beam 32 being for placing the substrate on. Given the configuration of the invention of Murphy, this is simply not possible.

(3) The center beam 31 of Murphy does not correspond to the claimed "support member." The beam 31 does not run along "the first opening," i.e., along the side of a slot 94. In fact, it runs perpendicular to the slot 94 and some distance from it.

In view of the above comparison between the claimed invention and the Murphy reference, Applicants believe that claim 1 of present application clearly distinguishes over Murphy.

Claims 3, 6, and 18, dependent on claim 1, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections - 35 U.S.C. § 103

(a) Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy. This rejection is respectfully traversed.

Claim 2, dependent on claim 1, is allowable at least for its dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Ikeguchi (JP 10,007,171). This rejection is respectfully traversed.

Claim 4, dependent on claim 1, is allowable at least for its dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(c) Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Thomas et al. (USP 6,227,372). This rejection is respectfully traversed.

Claim 5, dependent on claim 1, is allowable at least for its dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 7-8 and 10-17

In the Office Action dated February 26, 2010, claims 7-8 and 10-17 have been indicated as including allowable subject matter. However, in the Office Action dated July 28, 2010, these claims have been rejected under 35 U.S.C. § 112, first and second paragraphs.

Applicants believe that the rejections under 35 U.S.C. § 112 should be withdrawn at least for the reasons stated in the foregoing.

Further, claims 7-8 and 10-17, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

A favorable determination by the Examiner and allowance of these claims is earnestly solicited.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of the pending claims in the present application are respectfully requested.

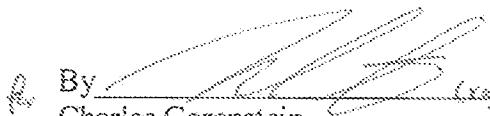
The Examiner is respectfully requested to enter this Amendment After Final in that it raises no new issues. Alternatively, the Examiner is respectfully requested to enter this Amendment After Final in that it places the application in better form for Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi, Registration No. 40417 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: October 28, 2010

Respectfully submitted,

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